

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition for)
Reduction of Penalty Against:)**

Muni Nanjunda Reddy, M.D.)

Case No. 800-2014-004974

**Physician's and Surgeon's)
Certificate No. A 37982)**

Petitioner)

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 29, 2015.

IT IS SO ORDERED April 29, 2015.

MEDICAL BOARD OF CALIFORNIA

By: 
Dev Gnanadev, Chair
Panel B

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MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reduction of
Penalty Against:

MUNI NANJUNDA REDDY, M.D.,

Petitioner.

Case No. 800-2014-004974

OAH No. 2014100652

PROPOSED DECISION

This matter came on regularly for hearing before H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, on March 26, 2015, at Los Angeles, California.

Petitioner, Muni Nanjunda Reddy, M.D. (Petitioner), was present and represented himself.

Pursuant to the provisions of Government Code Section 11522, the Attorney General of the State of California was represented by Benneth A. Browne, Deputy Attorney General.

Oral and documentary evidence was received. The record was closed on the hearing date, and the matter was submitted for decision.

FACTUAL FINDINGS

1. Petitioner is the holder of Physician's and Surgeon's Certificate Number A 37982. He is a board-certified urologist, having been re-certified by the American Board of Urology on or about November 13, 2013. Petitioner is a member of San Fernando Valley Urology Associates in Mission Hills, California. He has privileges in six hospitals located in the San Fernando Valley, Simi Valley, and Thousand Oaks.

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2. By decision effective January 13, 2012, made pursuant to a Stipulated Settlement and Disciplinary Order, the Medical Board of California (Board) revoked Petitioner's certificate, stayed the revocation, and placed Petitioner on probation for a period five years under various terms and conditions including abstinence from alcohol and controlled substances, biological fluid testing, and completion of an ethics course. In entering into the settlement agreement, Petitioner admitted the truth of the allegations in the second and fourth causes for discipline in the First Amended Accusation, specifically, that he had suffered two convictions for violation of Vehicle Code section 23152, subdivision (b) (driving a motor vehicle while having .08 percent or more, by weight, of alcohol in his blood).

3. Petitioner has complied with all terms and conditions of his Board probation. On May 16, 2013, after testing negative for alcohol and controlled substances for one year, the Board granted his request to terminate all biological fluid testing.

4. Petitioner completed 240 hours of community service and an 18-month alcohol education program in compliance with the orders of the criminal court. He completed the Institute for Medical Quality Professionalism Course in May 2012, thus satisfying his ethics course requirement in connection with the Board's discipline.

5. Petitioner began attending Alcoholics Anonymous (AA) meetings to comply with the orders of the criminal court. He continued to attend the meetings after he was no longer required to do so, and he continues to attend today. He attempts to attend one meeting per week. The meetings help Petitioner gain insight into what happened to him and to remind him to be careful. (Petitioner's testimony.)

6. As part of his rehabilitation efforts, Petitioner has worked with physician wellbeing committees at some of the hospitals where he works. He also completed a one-year program with Pacific Assistance Group, and a three-month program with Matrix Institute on Addictions. Petitioner began those programs after his second conviction and before the Board imposed discipline on his license.

7. Petitioner's participation in the Pacific Assistance Group program included random urine testing, attendance at regularly scheduled support group meetings, regular attendance at one or more community-based self-help meetings, and receipt of compliance reports from worksite monitors, relevant treatment providers, and/or other third parties. Petitioner complied with all of the terms and conditions of the program. All of his urine tests were negative.

8. Petitioner successfully completed the program at Matrix Institute on Addictions on or around August 10, 2012. Clinical Director Ahndrea Weiner, M.S., LMFT described Petitioner's work in the program as "exemplary." (Exhibit 12.)

9. Petitioner regularly attends continuing medical education (CME) seminars. In 2013, he accrued 120 hours of CME credit. He regularly reads urology journals.

10. Petitioner submitted a letter from Walter Thomas, M.D. Dr. Thomas is board-certified in Addiction Medicine and was the Chair of the physician wellbeing committee at Los Robles Hospital while Petitioner was working with that committee. Dr. Thomas and Petitioner have known each other for 25 years, and they have worked together as colleagues. Dr. Thomas wrote that Petitioner completed an intensive outpatient program for alcohol recovery and was in good standing. He supports the petition for early termination of probation.

11. Petitioner also submitted a letter from Ganesh L. Devendra, M.D.¹ Petitioner and Dr. Devendra worked together for approximately 28 years. Dr. Devendra is aware of Petitioner's license discipline, his work with physician wellbeing committees, and his completion of rehabilitation programs. Dr. Devendra supports the petition for early termination of probation.

12. Petitioner is remorseful for his crimes. He realized he was an alcoholic after his second conviction for driving under the influence, and he promptly took steps to address that condition. Upon recognizing his alcoholism, Petitioner realized that he must not consume alcohol again. He acknowledged the severity of his criminal conduct, and he committed himself to total sobriety.

13. Petitioner's son practices medicine with Petitioner in their medical group. Petitioner deliberately attempts to set a good example for his son through his sobriety and exemplary conduct.

14. The Board does not oppose this petition for early termination of probation.

LEGAL CONCLUSIONS

1. Petitioner has established, by clear and convincing evidence to a reasonable certainty, that cause exists to grant the petition under the provisions of Business and Professions Code section 2307, by reason of Findings 2 through 14.

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¹ Dr. Devendra's letter is not verified as required by Business and Professions Code section 2307, subdivision (c). However, the Deputy Attorney General did not object to the letter's receipt in evidence and is therefore deemed to have waived the requirement.

2. Business and Professions Code section 2307 states in relevant part:

(a) A person whose certificate has been surrendered while under investigation or while charges are pending or whose certificate has been revoked or suspended or placed on probation, may petition the board for reinstatement or modification of penalty, including modification or termination of probation. [¶] . . . [¶]

(c) The petition shall state any facts as may be required by the board. The petition shall be accompanied by at least two verified recommendations from physicians and surgeons licensed in any state who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. [¶] . . . [¶]

(e) The panel of the board or the administrative law judge hearing the petition may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the administrative law judge designated in Section 11371 of the Government Code finds necessary.

3. California Code of Regulations, title 16, section 1360.2 states:

When considering a petition for reinstatement of a license,² certificate or permit holder pursuant to the provisions of Section 11522 of the Government Code, the division or panel shall evaluate evidence of rehabilitation submitted by the petitioner considering the following criteria:

(a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under [Business and Professions Code] Section 480.

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² Because probation is usually the result of a stayed license revocation, for purposes of this regulation, "reinstatement of a license" refers to both reinstatement of a revoked license and early termination of probation.

(c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b).

(d) In the case of a suspension or revocation based upon the conviction of a crime, the criteria set forth in [California Code of Regulations, title 16] Section 1360.1, subsections (b), (d) and (e).

(e) Evidence, if any, of rehabilitation submitted by the applicant.

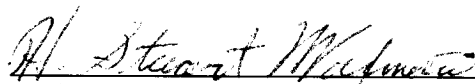
4. Petitioner has satisfied most of the Board's criteria for rehabilitation. On two occasions, Petitioner committed serious violations of the law. The dangers of driving a motor vehicle are well-known, perhaps no better than those in the medical field. However, to Petitioner's credit, once he realized he was an alcoholic, he resolved to never drink again, he entered into two rehabilitation programs, he worked with physician wellbeing committees, and he attended, and continues to attend, AA meetings. As a result, he has had no further involvement with the criminal justice system. His criminal record is limited to the two driving under the influence convictions, the most recent of which occurred in December 2009, and he complied with all terms and conditions of his criminal probations. Neither party offered any evidence concerning whether either or both of Petitioner's convictions has been dismissed pursuant to Penal Code section 1203.4.

5. Little more is to be gained by keeping Petitioner on probation. He has accepted responsibility for his actions, taken steps to ensure against a recurrence of his wrongful conduct, and complied with the terms and conditions of probation. The public no longer requires Petitioner's probation for its safety and interest.

ORDER

The petition of Muni Nanjunda Reddy, M.D. for termination of his probation is granted. Physician and Surgeon's Certificate No. A 37982 is fully restored.

Dated: April 7, 2015



H. STUART WAXMAN

Administrative Law Judge

Office of Administrative Hearings